

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

UNITED STATES OF AMERICA,

v.

CASE NO.: 4:20-CR-0046

Paul Penn

Defendant.

**DEFENDANT'S STATEMENT REGARDING
APPEARANCE VIA ELECTRONIC MEANS**

COMES NOW, Paul Penn, the Defendant in the above-styled case and hereby shows this Honorable Court as follows:

1.

Defendant has been advised by counsel that the Court has set or will set this matter down for a Change of Plea hearing. Defendant understands that the Court has determined that the hearing must be conducted by electronic means due to the national emergency associated with the global spread of Coronavirus Disease 2019 (COVID-19). Defendant acknowledges that the Court has found that the hearing cannot occur in person and in court without serious jeopardy to public health and safety.

2.

Defendant further understands that the Court will conduct this hearing by electronic means only if the Defendant consents to having the hearing by electronic means. If Defendant consents to holding the hearing via electronic means, all participants, including Defendant, the judge, counsel, and any witnesses will appear electronically via video teleconference (VTC) or, if video teleconference is not reasonably available, via telephone.

3.

Defendant understands that Defendant may withhold consent and insist that the hearing be held in person. If Defendant does not consent to holding the hearing by electronic means, the Court will not schedule the hearing until a date uncertain in the future when the Court can safely conduct an in-person hearing. If Defendant does not consent to having the hearing by electronic means, the Court will not hold that refusal against Defendant.

4.

Defendant, as evidenced by his/her signature below, acknowledges that he/she has been advised by counsel of the right to be physically present at every stage of this case, including trial, and any plea and sentencing hearing pursuant to Rule 43 of the Federal Rules of Criminal Procedure. Defendant also acknowledges that he/she has the right to see and confront all witnesses against him/her. Defendant's attorney, as evidenced by signature below, has explained the same to Defendant. Defendant further acknowledges that he/she has had the assistance of counsel in reading and understanding this document.

CHOOSE ONE OF THE FOLLOWING:

☒ Defendant hereby consents to the Court conducting the above-referenced hearing by electronic means and consents to appearing for the above-referenced hearing by electronic means. Defendant freely and voluntarily waives the right to be physically present in Court at the above-referenced hearing scheduled by the Court. Defendant consents to proceeding by video teleconference (VTC) and further agrees that in the event video teleconference (VTC) is not reasonably available or becomes unavailable during the hearing, the Court may proceed with conducting the hearing via telephone conference; and Defendant agrees and consents to proceed in the electronic manner provided by the Court. Defendant acknowledges that counsel has

explained the Court's procedures for appearing via electronic means to Defendant, and Defendant understands the limitations inherent with proceeding electronically.

☐ Defendant does not consent to appearing via electronic means for the above-referenced hearing scheduled by the Court. Defendant understands and agrees that due to Defendant's withholding of consent, the Court will not schedule the hearing until a date uncertain in the future. The Court will not hold the hearing until, in the Court's judgment, the hearing can be conducted without jeopardizing the health and safety of the Defendant, the hearing participants, and the public.

Signed this 9th day of July, 2020.

Paul Penn

Defendant

William D. Dillon

Counsel for Defendant